

## **AGENDA**

### **CONDUCT BOARD**

**September 8, 2004**

**James W. Craig, Thomas R. Clark,  
Carol B. Resch, Douglas J. Wengers,  
Toni Pappas, Dennis Smith**

**3:00 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Craig calls the meeting to order.
2. The Clerk calls the roll.
3. Discussion of referral by Board of School Committee regarding matters of interference by School Committee Member Arthur Beaudry.  
*(Note: Response from School District dated August 4, 2004 attached.)*
4. If there is no further business, a motion is in order to adjourn.

# Manchester School District

School Administrative Unit No. 37  
196 Bridge Street, Manchester, NH 03104-4985  
Tel: 603-624-6300 • Fax: 603-624-6337

**Michael Ludwell, Ph.D.**  
*Superintendent of Schools*

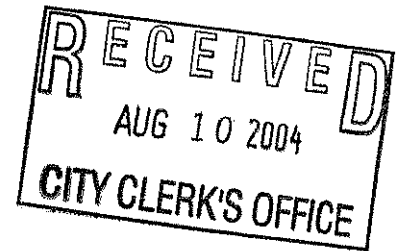
**Frank G. Bass, Ph.D.**  
*Assistant Superintendent  
Secondary Education*

**William E. Sanders**  
*Business Administrator*

**Henry J. Aliberti Jr., Ed.D.**  
*Assistant Superintendent  
Elementary Education*

August 4, 2004

Conduct Board of the City of Manchester  
c/o Ms. Carol Johnson  
Deputy City Clerk  
One City Hall Plaza  
Manchester, NH 03101



Dear Conduct Board:

Thank you for your letter of July 1, 2004 requesting further information in the matter regarding Manchester Ward 9, School Board Representative, Arthur Beaudry. To more narrowly define the allegations, and at the same time, cite "interference" as defined by the City Charter, this report will provide appendices of the following documents as they pertain to the issues and listed in the document (Appendix A): Manchester City Charter (App. B), Rules of the Board of School Committee (App. C), School District Policies (App. D), State of New Hampshire Administrative Rules (App. E), and New Hampshire Education Laws Annotated (App. F). Although the allegations, 16 in total, involve violations of the *non-interference* clause of the City Charter, it is important to note that these allegations also conflict with the spirit and intent of the administrative rules of governance in accordance with the operation and management of public schools in the State of New Hampshire.

For ease of clarity and to simplify issues and report their substantive nature only, I have numbered each of the bulleted sections in the document the Conduct Board received from the Manchester School Board last May. Bullets numbering 1-8 pertain directly to section 9.03 (g) of the City Charter, with detailed explanation as follows:

1. To demand directly to the Superintendent and the Assistant Superintendent something be done in regards to Mr. Ryan's "part time" work is contrary to 9.03 (g): "...and the board of school committee shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official; or to interfere in any way with the performance by such officers of their duties."

2. To demand of the Superintendent, his assistant, and the Director of Human Resources (responsible for hiring and firing), that Mr. Ryan be fired not only reiterates the violation in item #1, but is also contrary to the prohibition in 9.03 (g) against, "direct[ing] or request[ing]... the appointment or removal of any person to or from office..."
3. Singling out an individual who has yet to complete "alternative" certification when at least 15 others within the district are in similar circumstances is inappropriate, especially when the one individual is the spouse of Mr. David Ryan; the individual who has been the object of Mr. Beaudry's interference. The violation of the city charter in this particular case is contained within the statement 9.03 (g): "...and shall not seek individually to influence the official acts of any city official... or to interfere in any way with the performance by such officers of their duties."
4. The conversations reported in this section underscore the issues outlined in item #3, and thus, further illustrate interference. This constitutes the same violation of the charter as contained in 9.03 (g) mentioned above.
5. To ask to have more duties assigned to one assistant principal in an effort to equalize the load is a reasonable request on its face; however, this request came after the Principal John Rist made it clear that he purposely allocated the workload so that Mr. Ryan would be able to devote the necessary time and energy in designing the master schedule. Again, this constitutes interference as cited in the charter 9.03 (g): "...and shall not seek individually to influence the official acts of any city official... or to interfere in any way with the performance by such officers of their duties. "
6. To repeatedly demand that some disciplinary action be taken after the administration has already resolved the issue regarding Mr. Ryan's "time slips" not only is a violation of the interference clause, but also borders on harassment, an action that caused Mr. Ryan to refer to his legal counsel, who in turn filed a grievance with the school district. This not only violates the interference clause outlined above in 9.03 (g) but Mr. Beaudry's threat of "going to the newspapers" also violates 9.03(c): *Disclosure of Confidential Information*, "A city official shall not disclose confidential information concerning the city or its business without proper legal authorization..."
7. To seek "time slips" to determine how much personal time an employee has used, and to further direct the administration that no more personal time be allotted for a particular individual, who in this case is Mr. Ryan, reinforces the allegations of interference in items #5 & #6.
8. To demand of the Superintendent of Schools that his assistant, the Assistant Superintendent for Middle & Secondary, be watched and investigated to ensure that a particular individual, in this case Mr. Ryan, was not given a "rubber stamp"

for the new Principal's position at Southside Middle School is a violation of the interference clause contained in the statement under 9.03 (g): "...and shall not seek individually to influence the official acts of any city official... or to interfere in any way with performance by such officer of their duties."

9. To insist that a particular individual be chosen for an athletic coaching job contrary to the recommendations of the building principal, the athletic coordinator, the Director of Athletics, and the Assistant Superintendent is not only a violation of the interference clause as contained in 9.03 (g), but is also a misuse of Mr. Beaudry's power as Athletic Committee Chair of the BOSC. This is also a violation of Ed 302.02 of the NH Code of Administrative Rules which states in section (a): "the Superintendent shall nominate all certified staff and appoint other employees in accordance with state law, the rule of the state board and school board policies;"
10. To ask to be on every hiring committee for athletic personnel in the Manchester School District not only compromises Mr. Beaudry's role and responsibility as a sitting board member but also interferes with the duties and responsibilities of the building principal and the Superintendent as outlined in the both BOSC policies as well as the NH code of Administrative rules outlined above. This further constitutes a breach of the interference clause of the City Charter as contained in section 9.03 (g) "... and shall not seek individually to influence the official acts... or to direct or request... the appointment or removal of any person to or from office; or to interfere in any way with the performance by such officers of their duties."
11. To routinely enter a school building unannounced and interview teachers and students in an official capacity not only undercuts the authority of the building principal, but also *interferes* with his ability to do his job as contained within section 9.03 (g) of the City Charter. Moreover, such acts are a breach of protocol and procedure as outlined in BOSC policies as well as the NH code of Administrative rules.
12. To seek an a priori conviction despite the very clear rendering of facts from school officials, and to continue to "dig into" the matter not only undercuts the credibility of the administration from the business administrator all the way to the vice- Chair of the School board, but materially and substantially interferes with the performance of officers in their duties as contained in section 9.03 (g) of the City Charter.
13. To continue to harass the administration over an issue that had already been addressed by the business administrator not only undermines the credibility of the finance office, but responding to intimations of "plots" and "conspiracy theories" consumes valuable professional time and energy, and, interfere with the administration's performance of their duties as contained in 9.03 (g) of the city charter.

14. To act as representative of the union (MESPA) in the presence of the Superintendent and an employee of the union is a violation of the City Charter's Conflict of Interest clause contained in 9.03 (e): "No city official shall participate in the decision-making process of any matter in which the official has a direct personal or financial interest." Moreover, it should be noted that Mr. Beaudry's spouse is also a member of the MESPA union. In addition, this action by Mr. Beaudry constitutes a breach of 9.03 (g) of the City Charter in regards to the performance of duties by the Superintendent, "... or to interfere in any way with the performance by such officers of their duties."
15. As outlined in the previous item, Mr. Beaudry's actions on behalf of the MESPA union violate the City Charter's *conflict of interest* clause contained in section 9.03 (3).
16. To insist that a student repeat the eighth grade despite the fact the child has satisfactorily met the requirements for promotion to the ninth grade, and despite the very strong recommendations to the contrary from the eighth grade building principal and the Assistant Superintendent violates the City Charter's interference clause, and also violates RSA 193:13 (IV) which states, "the local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirement set forth in paragraphs II and III on a case by case basis."

I trust this reporting of the events and issues set forth in the original document submitted by the Manchester School Board helps to clarify the allegations and more clearly defines the specific instances that would constitute *interference* as defined in the City Charter and contained in section 9.03 (g).

A list of potential witnesses is provided if the Conduct Board requires testimony, i.e. the documents and the contents contained therein:

Mr. John Rist, Principal, Manchester Central High School  
Mr. David Ryan, Assistant Principal, Manchester Central High School  
Mrs. Janice Thompson, Principal, Manchester West High School  
Mr. Arthur Adamakos, Principal, Manchester Memorial High School  
Mrs. Amanda Lecaroz, Principal, Manchester Middle School at Parkside  
Ms. Mary Donovan, Director, Human Resources  
Mr. William Sanders, Chief Financial Officer, SAU #37  
Dr. Frank Bass, Assistant Superintendent, SAU #37  
Dr. Michael Ludwell, Superintendent of Schools, SAU #37

If you should seek further information to any of the items and issues discussed in this document, please do not hesitate to contact me at your earliest convenience. Additionally, please send copies of any future correspondence to our district legal counsel, Attorney Dean Eggert of Wadleigh, Starr & Peters.

Sincerely yours,

*Michael Ludwell*

Michael Ludwell, Ph.D.  
Superintendent of Schools

Cc: Robert A. Baines, Mayor & BOSC Chair  
Attorney Dean Eggert, Wadleigh, Starr & Peters

# **APPENDIX**

## **A**

Mr. Arthur Beaudry is the *Ward 9* representative to the Manchester Board of School Committee (BOSC). Students who live in *Ward 9* attend Memorial High School, one of three high schools serving the Manchester School District. It should also be noted that Mr. Beaudry's wife is employed by the Manchester School District. She is an administrative assistant to Mrs. Rita Davis, one of four assistant principals (APs) at Central High School.

On several occasions Mr. Beaudry approached Assistant Superintendent, Dr. Frank Bass and stated that Mr. David Ryan, Assistant Principal at Central High School (CHS), is not to be trusted because of all that took place under the Dan French administration (CHS Principal 1999-2002). It was Mr. Beaudry's contention that Mr. Ryan played a "role" in the non-renewal notice of Mrs. Davis, which was subsequently overturned. This background serves as a precursor to the following events involving Mr. Ryan over a two-year period from the fall of 2002 to the present (May, 2004).

## DAVID RYAN

1. Mr. Beaudry indicated that he couldn't understand why the administration would allow Mr. Ryan to coach hockey at Trinity and do "part-time" police work for the town of Auburn. He stated on several occasions to Dr. Michael Ludwell, the Superintendent of Schools, and Dr. Bass that "this practice" was unacceptable and wanted something done about it.
2. When Mr. Ryan asked for and was approved to take "time" to attend a court hearing for his police work, Mr. Beaudry not only asked for a letter of reprimand, but stated to both the Superintendent and Dr. Bass, "I want him fired." The Superintendent made it very clear that there were no grounds for dismissal, and furthermore, no letter of reprimand, only a reminder as to the procedural protocol necessary for a request of leave. Mr. Beaudry later communicated his frustration and concern over Mr. Ryan's actions, as well as the central office administration's response, in this matter as well as a new situation involving Mr. Ryan's hockey travel to Ms. Mary Donovan, Human Resources Director (HR). Ms. Donovan reports that Mr. Beaudry approached her on several occasions stating that he was "very upset" that Mr. Ryan was using "time" to go to his coaching job elsewhere. Ms. Donovan further states that Mr. Beaudry went on to say that he was very upset that nothing was being done about it. He exclaimed to her, "He should be fired!" Ms. Donovan adds that Mr. Beaudry spoke to her about this issue at least five times, each time with increasing frustration and demand that "discipline be issued" and that the matter be handled in a manner that meets with Mr. Beaudry's satisfaction.
3. Mr. Beaudry made inquiries as to the certification of Mrs. Maura Ryan, a physical education teacher at West, who also happens to be Mr. David Ryan's wife. Although there are several teachers throughout the district who are in various stages of completing an "alternative" certification plan, Mr. Beaudry made a point



of making an issue about Mrs. Ryan. He asked why the central office allowed this to happen and repeatedly pressured the Superintendent to "follow up" on having "teachers" in our employ who were not living up to the standards imposed by NCLB (No Child Left Behind), federal legislation that goes into effect for all teachers in the employ of the Manchester School District in the 2005-06 academic year.

4. Mrs. Janice Thompson, Principal at Manchester West High School, stated in a telephone conversation with Mr. Ryan, "I can't believe he's making such an issue of Maura (Mrs. Ryan) when Keith Puglisi, (another physical education teacher at West) is in the same boat, yet, he's (Mr. Beaudry) never even mentioned his name." Mrs. Thompson later stated that she believed it was a personal attack on Mrs. Ryan because of the fact that she (Maura) was married to Mr. Ryan, and that most of the faculty at West High School also perceived the concern over Mrs. Ryan as a personal attack by Mr. Beaudry. HR Director, Ms. Donovan, also stated that Mr. Beaudry had made several inquiries to her "concerned about teachers assigned in areas they were not certified," and went on to specifically name Mrs. Maura Ryan. Mr. Beaudry stated to Ms. Donovan, "he was looking for assurance that the central office was aware of the matter and would do something about it."
5. Mr. Beaudry was very concerned about the caseloads of the APs at CHS and wanted to know why Mr. Ryan's was significantly lower than the others. When it was explained that the Principal, Mr. John Rist, wanted it that way because of the "heavy" student/teacher scheduling (master schedule) demands placed upon Mr. Ryan's time, he dismissed it as favoritism and not a good justification, and that it was patently unfair to the other APs. He suggested that central office administration impose a "switch" of responsibilities to ensure more equity amongst the AP's. He was delighted to hear that Dr. Bass urged Mr. Rist and Mr. Ryan to consider switching the Section 504 responsibility from Mrs. Davis to Mr. Ryan in an effort to even out the duties and responsibilities. After due thought and consideration, however, Mr. Rist emphatically voiced his concern over such a move, and as a result, the Section 504 assignment remained with Mrs. Davis. Mr. Beaudry was very disappointed to learn of this and questioned why Mr. Rist was so supportive of Mr. Ryan.
6. When Mr. Ryan asked for and received "time" to coach an out of town hockey game for his Trinity team, Mr. Beaudry was incensed and said to Ms. Donovan, "if some kind of disciplinary action is not taken, I'm going to the newspaper." Ms. Donovan perceived this as a threat and immediately relayed the conversation to the Superintendent and Dr. Bass. Mr. Beaudry went so far as to ask for the "time slips" to verify the date and time of Mr. Ryan's departure and also demanded to see the letter Dr. Bass sent to Mr. Ryan, and to Mr. Rist who had authorized his release. Ms. Donovan acting on the advice of the Superintendent declined to show Mr. Beaudry those letters. Mr. Beaudry also wanted the administration to insist that Mr. Ryan would no longer be allowed to either coach

or work outside the school district for Mr. Beaudry made it very clear that he felt it interfered with Mr. Ryan's duties as an AP at CHS. It should be noted that Mr. Ryan felt so "harassed" by Mr. Beaudry's continual "concerns" and allegations that he referred the matter to his legal counsel.

7. Mr. Beaudry became so incensed over the issues involving Mr. Ryan's "release" from work that as recently as last week (4/23, 4/27) he made several phone calls to Ms. Donovan demanding information about the discipline, questioning what had been done! He also informed Ms. Donovan that he knew how much "personal time" had been charged against Mr. Ryan and that he wasn't satisfied; he wanted her to do something about it and to make sure that Mr. Ryan was not allowed any more "personal time." Ms. Donovan expressed her concern to the Superintendent and Dr. Bass that Mr. Beaudry may somehow have access to "time slips."
8. Mr. Beaudry complained to the Superintendent that he learned that Dr. Bass was chairing the "search committee" for Principal at Southside Middle School and he had it on "good authority" that Mr. Ryan was approached by Dr. Bass for the job, and as a result, it was going to be a "rubber stamp" for Mr. Ryan if something wasn't done about it. Mr. Beaudry wanted the Superintendent to investigate and monitor the committee interviews to ensure that Mr. Ryan wasn't "hand picked" by Dr. Bass. The Superintendent did approach Dr. Bass about Mr. Beaudry's concerns. Dr. Bass attested that the committee represented both school and community and included thirteen members whose charge was to seek a unanimous endorsement of the eventual candidate of choice, who in turn would be recommended to the Superintendent with other "secondary" candidates for his consideration before any "final" candidates were recommended to the BOSC.

## **ATHLETIC PERSONNEL MATTERS**

9. Mr. Beaudry approached Dr. Bass about the varsity baseball job at CHS and was concerned that the master contract might be "violated" if the administration did not support an applicant from Memorial High School (MHS). Although concerns over contract language and interpretation can never be taken lightly, it was unanimously felt that this particular individual's candidacy did not rise to a level of "qualified," especially after talking with former supervisors and coaches who had direct observation and evaluation of this candidate's coaching ability and performance. Despite vigorous protests from the Principal, Athletic Coordinator, Athletic Director, and Assistant Superintendent, Mr. Beaudry refused to yield on his contention and went so far as to publicly state that he hoped the candidate would file a grievance against the district. Subsequently a grievance was filed and upon the recommendation of the Superintendent a "compromise" position was reached offering the Memorial teacher (the candidate) the junior varsity (JV) job. It should also be noted that the varsity coach of record would not have chosen this gentleman as his assistant. Furthermore, it should be noted that a

“rash of complaints” about the JV coach’s performance to date have prompted CHS Principal Rist to immediately assess and evaluate the JV Baseball Coach, with potential outcomes that could yield “dismissal” before the season is concluded.

10. Mr. Beaudry was so distressed by the athletic hiring committee selections at CHS that he complained to Dr. Bass that Mr. Rist was selecting the candidate before the interviews even took place, and as a result, told Dr. Bass that he wanted to be on every building level athletic “hiring” committee to ensure that proper procedure and protocol was followed. Dr. Bass made it very clear to him that this would be a violation of his role as Athletic Chair of the BOSC and would mitigate his “role and responsibility” as an appellate arbiter if something were to surface that warranted review by the BOSC. Mr. Beaudry pursued the matter with the Superintendent and the BOSC Vice-Chair, who were equally concerned by the request.

#### **ARTHUR ADAMAKOS**

11. Mr. Adamakos reports that on several occasions during the 2002-2003 academic year, Mr. Beaudry had come into MHS unannounced and held conversations as well as meetings with faculty and staff. This occurred without Mr. Adamakos’ knowledge and certainly without his permission. Mr. Adamakos was disturbed over these events for Mr. Beaudry was acting on information provided by Memorial faculty and staff without direction, approval, or input from the Principal’s office. Mr. Adamakos was also concerned that such “unauthorized contact” with faculty and staff if unabated could drive a “wedge” between MHS administration and faculty. During the 2003-04 academic year, Mr. Adamakos reports that on one occasion Mr. Beaudry was interviewing a student behind closed doors, again without Mr. Adamakos’ knowledge or permission. Mr. Adamakos found this breach more egregious for it involved a student without proper supervision as well as the customary permission and protocol.

#### **DAVID RAYMOND CASE**

12. Mr. Bill Sanders, Business Administrator, reports that Mr. Beaudry approached him about the disbursement of a check to settle the “Raymond” case. Mr. Beaudry stated that he believed that the disbursement had been approved by Dr. Bass and processed by the accounting organization without proper review and approval. Mr. Beaudry informed Mr. Sanders that he was “investigating” the matter and “it did not look good for the administration.” Mr. Sanders advised Mr. Beaudry that his understanding of the situation was “wrong.” Mr. Sanders further stated that “he,” not Dr. Bass, had approved the disbursement in October after conversations with representatives of City Risk Management and Fraser Insurance. Mr. Beaudry went on to state, “the Superintendent and Ms. Stewart

(BOSC Vice-Chair) lied to the BOSC when they said 'the school district had not issued the check'" Mr. Beaudry then challenged Mr. Sanders and asked why he had not "corrected the record" after the Superintendent spoke. Mr. Sanders responded, "I have not seen the article referenced by BOSC representative Gatsas, and therefore, not in a position to comment." Mr. Beaudry was not satisfied and left Mr. Sanders' office stating that he would continue to "dig into" this matter and "get to the bottom of it."

13. Ms. Donovan reports that Mr. Beaudry had approached her about the "settlement check" and was very upset about how everything was handled—he questioned individuals in the loss prevention at the City, he questioned Ms. Donovan, he questioned employees at the central office administration building. Ms. Donovan went on to say that Mr. Beaudry was "very volatile" about the check being signed and wanted to know "who was responsible." Ms. Donovan states that he appeared to be "very concerned" about Dr. Bass' involvement. Mr. Beaudry came to Ms. Donovan's office and called several times to follow up on this matter, and in Ms. Donovan's words, "demanding that it be explained and resolved immediately."

## UNION ISSUES

14. Dr. Michael Ludwell, Superintendent of Schools, reports that Ms. Catherine Gagnon, a secretary at CHS and a member of the MESPA Union, sought an audience with him regarding the reporting of attendance from one of the district's alternative programs. Dr. Ludwell was shocked to discover that Mr. Beaudry accompanied Ms. Gagnon and wanted to be a part of the meeting. Dr. Ludwell reluctantly allowed Mr. Beaudry to take part in the meeting. At the conclusion of the meeting, Dr. Ludwell inquired somewhat incredulously, "Why were you (Mr. Beaudry) here?" Mr. Beaudry responded, "Because the Uniserv Director was out of town and Ms. Gagnon doesn't feel comfortable with the MEA Union President because she works in her building." Dr. Ludwell responded, "Mr. Beaudry, you are a policymaker, you can't be acting as a representative of the Union." Dr. Ludwell reports that he felt that Mr. Beaudry's actions constituted a "conflict of interests," and that his presence in the meeting with a school secretary was not only highly irregular, but compromised the Superintendent's ability to act in the best interests of the district.
15. During the spring and summer of 2003, Dr. Ludwell reports that on several occasions, Mr. Beaudry "pressured" him to settle the MESPA contract in a manner that was "in line" with the other negotiating unions. Dr. Ludwell informed Mr. Beaudry that first of all there were some "irregularities" that had to be sorted out, and he cautioned Mr. Beaudry that his wife is a member of MESPA and it would cast Mr. Beaudry in an "unfavorable light" if he were to continue acting on behalf of MESPA while a sitting member of the BOSC. Mr. Beaudry

was undeterred and continued campaigning for a settlement commensurate with other unions, despite the urging of fellow BOSC members to cease and desist.

## **STUDENT PLACEMENT**

16. Mr. Beaudry became personally involved in the grade placement of a student seeking enrollment in the Manchester Public Schools after an “expulsion” from a high school “out of state.” The Manchester School District recognizes and upholds expulsions from other districts and other states unless there are extenuating circumstances that warrant special consideration. Although Dr. Bass was preparing accommodations that would allow for re-entry at the semester break, Mr. Beaudry wanted the matter resolved immediately. Acting on behalf of the mother and a “firefighter” who had taken an interest in the student, Mr. Beaudry urged the Superintendent to overrule the recommendation of Mrs. Amanda Lecaroz, Principal at Parkside Middle School and the Assistant Superintendent, Dr. Bass who both advocated that the student attend West High School for the very clear reason that he had already successfully completed the eighth grade. Mr. Beaudry went so far as to attend the meeting with the Superintendent and the student’s mother and insisted that the boy be placed back at Parkside. It should also be noted that Mrs. Lecaroz reports that the boy was a significant behavioral problem the year before, which may give rise to continued behavioral issues this year. Unfortunately, Mrs. Lecaroz’ fears have been borne out. The student has been and continues to be a “significant” behavior problem at Parkside Middle School.

# **APPENDIX**

## **B**

children, step-children and spouses of step-children.

- d) *Financial Interest*: A monetary or pecuniary interest in a business, entity or matter, whether direct or indirect, not shared by the public at large. A city official shall have a financial interest in the affairs of immediate family members, any business in which the official is an officer, director, proprietor, partner, trustee, member or employee, or any investment in which the official owns directly or indirectly, more than five percent (5%) of the total stock or an interest totaling \$50,000 or more.
- e) *Personal Interest*: Interest in a matter which is other than that of the official as a public official and which is more direct than that of the public at large and would influence the action of the public official.

### **SECTION 9.03 STANDARDS OF CONDUCT**

This code is written to establish standards of conduct for city officials. It is declaratory and is to be read consistently with the requirements of New Hampshire law and not to create duties less stringent than those required by New Hampshire law. It shall not limit the board of mayor and aldermen or school district from enacting consistent ordinances or rules.

- a) *Contracts and Purchases*: A city official shall not have an undisclosed financial or direct personal interest in any contract with the city. In the event a business or family member shall have any such interest, it shall be disclosed if pre-existing the official's taking office, or disclosed prior to any vote to enter such arrangement is taken by the board of mayor and aldermen.
- b) *Appointment or Employment of Immediate Family Member*: No city official shall participate in any way in any decision to employ or appoint any immediate family member to any city position nor any personnel

action in connection with such employment or classified appointment.

- c) *Disclosure of Confidential Information:* A city official shall not disclose confidential information concerning the city or its business without proper legal authorization; nor shall any official use any such information to advance a private interest. Confidential information is information which the official obtains because of the position held which is not a matter of public record.
- d) No city official shall accept any gift or thing of value which is offered to affect the vote or action of the official, nor shall any official solicit any such gift. This shall not prohibit legal campaign contributions or admission to events to which officials are invited in their official capacities, or food or beverage consumed at such events
- e) *Conflict of Interest:* No city official shall participate in the decision-making process of any matter in which the official or a member of the official's immediate family has a direct personal or financial interest. Any official who believes such an interest exists shall disclose such interest and shall not participate in the matter further. In the event any other official believes an official has a conflict, such conflict shall be disclosed to the city clerk who shall make a record of it. If the official does not believe such a conflict exists, the board of mayor and alderman, or school committee if the official is a member of the school committee, shall make a determination and if it finds a conflict exists, the official shall not participate in the matter further, or the appropriate board may refer the matter to the conduct board.
- f) *Financial Disclosure:* Within 90 days after the effective date of this charter, the city clerk shall prepare a financial disclosure form requiring all city officials to



disclose their own individual business and financial relationships, employment and financial holdings. Such filings shall be updated annually before January 15.

- g) *Non-Interference*: The board of mayor and aldermen, the various boards and commissions and the board of school committee shall act in all matters as a body, and shall not seek individually to influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office; or to interfere in any way with the performance by such officers of their duties. This provision shall not prohibit assistance to constituents in their dealings with city officials if direct requests to the appropriate administrative officials have been unsuccessful, advocacy of particular outcomes on matters pending before the city when the matters are of a general nature, or submission of recommendations or references on behalf of a candidate for city employment which are not inconsistent with this code.

#### **SECTION 9.04 CONDUCT BOARD**

A conduct board is established and shall consist of five (5) members and two (2) alternates to: issue advisory opinions to the board of mayor and aldermen or school committee, if requested to do so by said board or committee, concerning this code and the actions of city officials; interpret this code; investigate violations of this code if requested to do so by city officials, written and attested complaints by citizens of the city or those doing business with the city, if it finds basis for such complaints, and issue reports after such investigations to the board of mayor and aldermen which may take action after such reports if it deems action necessary and, recommend ordinances to carry out the purposes of this code.

# **APPENDIX C**

## **REGULATIONS OF THE STATE BOARD OF EDUCATION**

### **POWER AND DUTIES OF SCHOOL BOARDS**

1. The School Board shall adopt such policies as are necessary and desirable to control and effectuate the recruitment, employment, evaluation, and dismissal of teachers and other employees and may delegate authority to the Superintendent of Schools to carry out the provisions of such policies excepting that no teacher shall be employed who has not been nominated by the Superintendent of Schools and elected by the School Board.
2. The School Board shall adopt such policies as are necessary and desirable to control and effectuate the purchase of equipment, supplies, or services and may delegate to the Superintendent of Schools the authority to make commitments in accordance with such policy.
3. The School Board shall, through appropriate planning and required action, make suitable provision for the physical accommodation of all students in approved schoolhouses or other suitable facilities; shall provide required transportation of students; and shall provide that all school buildings and other learning environments be maintained in a manner consistent with acceptable standards of health and safety.
4. The School Board shall seasonable prepare a budget of school expenditures and make suitable and timely assignments of the school money to the various needs of the schools. In state-aided districts, accounts shall be kept as the State Board shall require and shall be open at all times to the inspection of the Superintendent, and any other officer of the State Board and to the public in accordance with the Laws of the State of New Hampshire.
5. They shall hold meetings for the transaction of business at least once in two months and shall require the attendance of the Superintendent or his designee. The Board shall cause a written record to be kept of each meeting.
6. School Boards shall, in consultation with the Superintendent and in accordance with statutes and regulations of the State Board of Education, determine the educational goals of the District, develop long-range plans and identify measurable and attainable short-term objectives. The School Board shall require the implementation of educational programs designed to reflect the goals and objectives and further, the School Board shall require the appropriate review of such programs and make public the results of such investigation.

## **REGULATIONS OF THE STATE BOARD OF EDUCATION**

### **POWER AND DUTIES OF SUPERINTENDENTS**

The Superintendent shall serve as the executive head of the public schools. He shall be responsible for planning and administering their affairs subject to statutory requirements, the regulations of the State Board of Education, and the policies of the local districts. The position shall develop and maintain a system of public schools, capably staffed to provide quality education and supportive services. The Superintendent shall provide, develop and implement the procedures to achieve educational objectives within his administrative unit.

In performance of those duties, he shall be directly responsible to the State Board of Education through its Commissioner, and the Board or Boards of the Supervisory Union.

The Superintendent may be supported by one or more assistants such as assistant superintendents, business administrators, and teacher consultants. He shall delegate such of his duties as is necessary and desirable for the efficient completion of the requirements of the position.

1. The Superintendent shall nominate all professional central office personnel.
2. The Superintendent shall direct and supervise the work of all employees of the district and shall have all powers necessary to make such direction effective. While the Superintendent has ultimate responsibility, he may delegate powers and duties to other personnel.
3. He shall nominate all certificated staff and appoint other employees in accordance with the laws, regulations of the State Board of Education, and School Board policies.
4. He shall be responsible for the selection and purchase of textbooks and all other scholastic apparatus and supplies in accordance with the regulations of the School Board and the State Board and see that the same are suitably distributed to the school, accurately accounted for, and economically used.
5. He shall be responsible for developing and recommending to the School Board the annual budget for the support of the educational program and for the operation and maintenance of schools in accordance with School Board policy.
6. He shall be responsible for an accounting system and financial reporting procedure in order that all funds will be accounted for in accordance with local School Board policy, and local and state law.
7. He shall be responsible for the development of an educational plan for the District or Districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local School Board policies, state statutes, and State Board regulations.
8. The Superintendent may, for cause, remove a teacher or other employee of the District in accordance with state statutes.

9. He shall recommend the dismissal of certified staff to the Board, recognizing its authority to dismiss according to the statutes.
10. He shall provide for temporary vacancies and shall have the authority to secure supplies immediately needed for the operation of the schools.
11. He shall be responsible for maintaining records and making reports as required by the State Board of Education and the local School Boards.
12. He shall admit pupils to school attendance in accordance with the laws of the state and the regulations of the State Board and policies of the local Board. He shall assign them to such classes and grades as he finds their needs warrant.
13. He shall provide for the alleviation of hazardous conditions of an emergency nature that affect the health and welfare of pupils.
14. He shall be responsible for the evaluation of personnel and programs in accordance with local School Board policies.
15. He shall be responsible, after notice, for the implementation of the policies and regulations of the State Board of Education. He is expected to participate in the development and evaluation of said policies and regulations as requested by the Commissioner of Education.

## **REGULATIONS OF THE STATE BOARD OF EDUCATION**

### **POWER AND DUTIES OF PRINCIPALS**

1. The school principal shall be responsible for the internal organizational structure of the school, the programs of the school, the governance of the student body, the utilization of technology and the utilization of the plant in accordance with local school board policy and/or as directed by the Superintendent of Schools.
2. The school principal shall evaluate and make recommendations to the Superintendent concerning candidates for professional and non-professional positions within the school administrative unit in accordance with local school board policy and/or as directed by the Superintendent of Schools.
3. The school principal shall assign, direct and evaluate all personnel employed within the school administrative unit in accordance with local school board policy, administrative regulations, and as directed by the Superintendent of Schools.
4. The school principal shall perform any other duties assigned by the Superintendent of Schools in accordance with local school board policy, state statutes and regulations of the State Board of Education.

# **APPENDIX D**

**SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES****GENERALLY**

The policies of the Board are intended to establish the general and overall rules within which day-to-day operations of the District are to be governed. Procedures for carrying out and implementing the broad policies of the Board on a day-to-day basis are to be fashioned and adopted by the administration, under the direction of the Superintendent. As applicable, members of the District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth herein. However, the failure of the Board or the Administration to comply with said policy shall not invalidate any lawful action taken.

**CONTENTS OF BOARD POLICY AND ADMINISTRATIVE PROCEDURE**

The policies of the Board shall be comprised of:

- (1) the policies contained in this policy manual;
- (2) the contents of administrative job descriptions adopted by the Board;
- (3) all formal student handbooks; and
- (4) all formal employee handbooks.

Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

**LIMITATIONS OF POLICY**

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable laws, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor the procedures of the administration are intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of Board policy shall rest exclusively with the Board, and enforcement of administrative procedures shall rest exclusively with the administration.

Board policy and administrative procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, taxpayers, or others within the school district beyond those that are established in law and are not intended to restrict or limit students, employees, or other members of the school district community from pursuing any claims or defenses available under law.

**Exceptions**

Exceptions to any policy may be made if requested or recommended in accordance with the following procedures:



**SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES**

(continued)

**Exceptions (cont)**

a. Any person may request an exception to any Board policy by submitting a letter to the Superintendent. The request shall identify:

- (1) the name, address and telephone number of the person making the request;
- (2) the policy for which the exception is being requested;
- (3) the action that the requesting individual desires, and
- (4) the rationale supporting the need for an exception.

b. The Superintendent or his/her designee, shall conduct a sufficient investigation of any request for an exception with the result that he/she is able to formulate a recommendation for the Board. Among the factors to be evaluated are the relevant facts related to the request, the rationale of both the policy and the request for the exception; and the disposition of prior requests for exceptions to the same or similar policies.

c. Following the Superintendent's investigation, the Superintendent may place the request for exception on the agenda and shall report to the Board the circumstances surrounding the request and his/her recommended disposition. The person requesting the exception shall be notified in advance of this agenda item, and shall be given a reasonable opportunity to address the Board before the Board determines whether to grant the request for an exception.

d. The Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge of whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice.

e. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

NHSBA Code BAAA

First Reading Coordination: 06/25/02

Second Reading and Approval BOSC: 07/08/02

**BOARD MEMBER AUTHORITY**

All powers of the Board lie in its action as a corporate body. Individual Board members may not exercise authority over District affairs.

An individual Board member, including the chairperson, has power only when the Board, by vote, has delegated authority to him or her.

No legal action can be taken except at an advanced-notice meeting of the Board and by a quorum acting as a unit.

The decisions of the Board shall be binding until rescinded by the Board at a duly called regular or special meeting.

NHSBA Code BBAA

*Appendix: BBA-R*

**Statutory-Regulatory References:**

*D.O.E. Rule: Ed. 303.01, Substantive Duties*

*City Charter Section 9.02(g)*

*Rules of the Board of School Committee*

First Reading Coordination: 06/25/02

Second Reading and Approval BOSC: 07/08/02

**SUBSTANTIVE DUTIES**

The School Board shall:

1. Adopt policies necessary and desirable to control and effectuate the recruitment, employment, evaluation and dismissal of teachers and other employees and may delegate authority to the Superintendent of schools to carry out the provisions of such policies provided that no teacher shall be employed who is not certified or who has not been nominated by the superintendent of schools and elected by the School Board.
2. Adopt policies necessary and desirable to control and effectuate the purchase of equipment, supplies or services and may delegate to the superintendent of school the authority to make financial commitments in accordance with such policy.
3. Provide, through documented planning and public meetings the quorum votes, accommodations for all pupils in approved schools or other facilities in accordance with state law.
4. Provide required transportation of students consistent with these rules and provide that all school buildings and other learning environments be maintained in a manner consistent with standards of health and safety as required by these rules.
5. Prepare an annual budget in accord with RSA 32 and the City Charter.
6. Comply with all federal and state laws and rules.
7. Hold meetings for the transaction of business at least once in two months and shall require the attendance of the superintendent or his/her designee. The Board shall cause a written record to be kept of each meeting in accordance with RSA 91-A.
8. In consultation with the Superintendent and in accordance with statutes and rules of the State Board of Education, determine the educational goals of the District, develop long-range plans and identify measurable and attainable short-term objectives. The School Board shall require the implementation of educational programs designed to reflect the goals and objectives and, further, the School Board shall review such programs and make public the results of such investigation.
9. Exercise all powers and perform all duties vested in and imposed upon the School Board by laws or rules of the State Board.
10. Maintain a rule to ensure that there shall be no unlawful discrimination on the basis of sex, race, age, creed, color, marital status, national origin, or disability in educational programs or activities consistent with local standards which may be stricter in specific areas than the broader statewide standards.

**BOARD-SUPERINTENDENT RELATIONSHIP**

The Board believes that policy-making is a primary function of the School Board and that the execution of those policies is the primary function of the Superintendent.

Delegation by the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy-making and appraisal functions.

The Superintendent is responsible for the administration of Board policies, the execution of Board decisions, the operation of school programs, and for keeping the Board informed about school operations and issues.

NHSBA Code BDD

First Reading Coordination: 06/25/02  
Second Reading and Approval BOSC: 07/08/02

**SCHOOL SUPERINTENDENT**

The duties of the Superintendent are defined in his/her contract of employment, Board policies, and Department of Education Rules.

**Regulatory Reference:**

*N.H. Code of Administrative Rules*

*Section Ed. 302 (Duties of School Superintendent)*

NHSBA Code CB

First Reading Coordination Committee: 12/12/00

Second Reading and Approval BOSC: 01/08/01

## LINE AND STAFF RELATIONS

### General Operations

The following principles shall govern the administrative operation of the District.

- 1) Each school shall be encouraged to develop appropriate educational programs for the students attending that school, consistent with district goals and adopted programs, School Board policy, state law, and State Board regulations.
- 2) The Superintendent shall have specific responsibility for overseeing the pattern and sequence of educational experiences provided for students from prekindergarten through grade 12.
- 3) Responsibility shall flow simply and clearly from the support staff, teachers, principals, Assistant Superintendents, central administrative staff, and the Superintendent to the School Board.
- 4) Each member of the staff shall be informed to whom s/he is responsible.
- 5) Whenever feasible, each member of the staff shall be made responsible to only one immediate superior for any one function.
- 6) Each staff member shall be told to whom s/he can go for help in working out his/her own functions in the District.

### Line of Responsibility

Each employee in the District shall be responsible to the Board through the Superintendent, the Assistant Superintendents, central administration Staff and their respective School Principal.

All personnel shall refer matters requiring administrative action to the administrator immediately in charge of the area in which the problem arises.

Administrators shall refer such matters to the next higher authority when necessary.

NHSBA Code CCB

First Reading Coordination Committee: 12/12/00

Second Reading and Approval BOSC: 01/08/01

### SCHOOL BUILDING ADMINISTRATION

The Board reaffirms the rights and responsibilities of the building principals for the administration of their various programs and buildings within the broad scope of the adopted Board policies.

Specifically, the principal of an individual school is the responsible head and professional leader in the development of the educational program and the improvement of instruction in the School of which s/he is the Principal. General operation, fiscal management and instructional leadership will be provided by the principal through a site based management model. All personnel will work through and under the direction of the Principal in the performance of their duties within his/her school.

#### Functions

All building principals shall be responsible for the school buildings and grounds to which they are assigned. They shall be responsible for and shall have authority over the actions of students, professional and non-professional employees, visitors, volunteers, and persons hired to perform special tasks.

All principals shall keep the Superintendent and/or his/her designee informed of activities in their buildings.

A principal shall attend Board meetings as requested by the Superintendent or his/her designee or the Board.

NHSBA Code CF

First Reading Coordination Committee: 12/12/00

Second Reading and Approval BOSC: 01/08/01

**SCHOOL PRINCIPALS**

Principals shall be hired by the Board following nomination by the Superintendent. Should the Board fail to accept the nomination of the Superintendent, the Superintendent will be directed to present another name in nomination.

Candidates for position of principal will file a formal, written application with the Superintendent or his/her designee. Interview panels will screen all applications and a number of finalists will be selected for interview by the Superintendent and subsequently the Board.

NHSBA Code CFA

First Reading Coordination Committee: 12/12/00

Second Reading and Approval BOSC: 01/08/01



# **APPENDIX E**

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Ed 300 ADMINISTRATION OF MINIMUM STANDARDS IN PUBLIC SCHOOLS

PART Ed 301 - RESERVED

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84;  
EXPIRED 5-16-90

New. #6366, eff 10-30-96; rpld by #7073, eff 8-19-99

PART Ed 302 DUTIES OF SCHOOL SUPERINTENDENTS

Ed 302.01 Executive Officer. The superintendent shall serve as the executive officer of the local school district or districts within the school administrative unit, and shall be responsible for the following duties:

(a) The superintendent shall be responsible for planning and administering the activities of the local school district or districts within the school administrative unit subject to statutory requirements, these rules, and the policies of the local districts.

(b) The superintendent shall develop and maintain a system of public schools, staffed by certified educators, qualified professionals, and persons providing support services.

(c) The superintendent shall provide, develop and implement procedures to achieve educational objectives within the local school district or districts with the school administrative unit.

(d) The superintendent shall be directly responsible to the local school district or districts within the school administrative unit board.

(e) The superintendent may nominate for school administrative unit board appointment one or more assistants, including assistant superintendents, and business administrators. The superintendent may assign duties for the efficient management of the school administrative unit.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96

New. #6366, eff 10-30-96

Ed 302.02 Substantive Duties. The superintendent shall:

(a) Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies;

(b) Direct and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective, as outlined in RSA 194-C:4. While the superintendent has ultimate responsibility, he/she may delegate powers and duties to other personnel.

(c) Be responsible for the selection and purchase of textbooks and all other supplemental materials and supplies in accordance with the rules of the school board and the state board and see that the same are distributed to the school, accurately accounted for and economically used;

(d) Be responsible for developing and recommending to the school board or boards within the school administrative unit the annual budget for the support of the educational program and for the operation and

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

maintenance of schools within the district or districts and the school administrative unit in accordance with school board policy;

(e) Be responsible for developing and maintaining an accounting system and financial reporting procedures for all funds in accordance with local school board policy, and local and state laws;

(f) Be responsible for the development of an educational plan for the district or districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local school board policies, state statutes and state board rules;

(g) Remove a teacher or other employee of the district in accordance with RSA 189:31;

(h) Recommend the dismissal of certified staff to the board, which has the authority to dismiss in accordance with RSA 189:13;

(i) Provide for temporary staff to fill vacancies and shall provide supplies immediately needed for the operation of the schools;

(j) Be responsible for maintaining records and filing reports as required by the state board of education and the local school boards;

(k) Admit pupils to the resident school district in accordance with the laws of the state and the rules of the state board and policies of the local board;

(l) Direct pupils to assigned classes and grades;

(m) Maintain a safe environment for pupils free of hazardous conditions;

(n) Be responsible for the evaluation of personnel and programs in accordance with local school board policies; and

(o) Be responsible for implementation of state board rules, which apply in the area of the superintendents jurisdiction.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96

New. #6366, eff 10-30-96

### PART Ed 303 DUTIES OF SCHOOL BOARDS

Statutory Authority: RSA 21-N:9,II(b)

Ed 303.01 Substantive Duties. Each school board shall:

(a) Adopt policies necessary and desirable to control and effectuate the recruitment, employment, evaluation and dismissal of teachers and other employees and may delegate authority to the superintendent of schools to carry out the provisions of such policies provided that no teacher shall be employed who is not certified or who has not been nominated by the superintendent of schools and elected by the school board;

(b) Adopt policies necessary and desirable to control and effectuate the purchase of equipment, supplies, or services and may delegate to the superintendent of schools the authority to make financial commitments in accordance with such policy;

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) Provide, through documented planning and public meetings and quorum votes, accommodation for all pupils in approved schools or other facilities in accordance with state law;

(d) Provide required transportation of students consistent with these rules and provide that all school buildings and other learning environments be maintained in a manner consistent with standards of health and safety as required by these rules;

(e) Prepare an annual budget in accordance with RSA 32 and comply with all federal and state laws and rules;

(f) Hold meetings for the transaction of business at least once in 2 months and shall require the attendance of the superintendent or designee. The board shall cause a written record to be kept of each meeting in accordance with RSA 91-A;

(g) In consultation with the superintendent and in accordance with statutes and rules of the state board of education, determine the educational goals of the district, develop long-range plans and identify measurable and attainable short-term objectives. The school board shall require the implementation of educational programs designed to reflect the goals and objectives and, further, the school board shall review such programs and make public the results of such investigation;

(h) Exercise all powers and perform all duties vested in and imposed upon the school board by law or rules of the state board;

(i) Adopt a rule to ensure that there shall be no unlawful discrimination on the basis of sex, race, age, creed, color, marital status, national origin, or disability in educational programs or activities consistent with local standards which may be stricter in specific areas than the broader statewide standards;

(j) Establish a policy on sexual harassment which shall include at a minimum the elements specified below:

(1) A statement that sexual harassment is against the law and against school district policy;

(2) A definition of sexual harassment and give examples of actions that might constitute sexual harassment;

(3) The names and roles of all persons involved in implementing the procedures;

(4) A description of the process so all parties know what to expect, including time frames and deadlines for investigation and resolution of complaints;

(5) A prohibition against retaliation toward anyone involved in a complaint;

(6) A description of possible penalties including termination;

(7) A requirement that a written factual report be produced regardless of the outcome of the investigation;

(8) At least one level of appeal of the investigators recommendation;

(9) State clearly that someone can bypass the internal process and proceed directly to the New Hampshire commission on human rights, with address and phone number, or office of civil rights, with address and phone number; and

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(k) The policy required by (j) above shall:

- (1) Be written in age appropriate language; and
- (2) Be published and available in written form to all those who must comply.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96

New. #6366, eff 10-30-96

### PART Ed 304 DUTIES OF SCHOOL PRINCIPALS

Statutory Authority: RSA 186:8

#### Ed 304.01 Substantive Duties.

(a) The school principal shall be responsible for the following:

- (1) The internal organizational structure of the school;
- (2) All programs of the school;
- (3) The governance of the total student body;
- (4) The utilization of technology; and
- (5) The utilization of the facility in accordance with local school board policy and/or as directed by the superintendent of schools.

(b) The school principal shall evaluate and make recommendations to the superintendent concerning candidates for professional and nonprofessional positions with the school administrative unit in accordance with local school board policy, or as directed by the superintendent of schools.

(c) The school principal shall assign, direct, and be responsible for the evaluation of all personnel employed in the school in accordance with local school board policy, administrative rules, and as directed by the superintendent of schools.

(d) The school principal shall perform any duty assigned by the superintendent in accordance with local school board policy, state statutes and rules of the state board of education.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90; EXPIRED 6-25-96

New. #6366, eff 10-30-96

### PART Ed 305 SCHOOL BUILDING CONSTRUCTION

Statutory Authority: RSA 198:15, 198:15-c

#### Ed 305.01 Standards for Site Size.

(a) The following shall be the minimum site size approvable for building aid for new construction for the following categories:

# **APPENDIX F**

## HISTORY

**Source.** RS 73:7, CS 77:7, GS 83:1, GL 91:1, PS 93:1, 1921, 85, III:9, PL 118:11, 1927, 58:1, RL 137:11, RSA 193:12, 1955, 227:2, 263:1, eff. July 1, 1956, 1997, 183:6, eff. Jan. 1, 1998, 1998, 206:1-3, 7, 8, eff. June 18, 1998, 2001, 294:1, eff. Sept. 15, 2001.

**Amendments—2001.** Paragraph I: Added "or in RSA 193:28" at the end of the paragraph.

—1998. Paragraph II(a): Added the fourth sentence in subpar. (3).

Paragraph V: Rewritten to the extent that a detailed comparison would be impracticable.

Paragraphs V-a and V-b: Added.

Paragraph VI: Added the fourth and fifth sentences.

Paragraph X: Added.

—1997. Rewritten to the extent that a detailed comparison would be impracticable.

—1955. Deleted the second sentence.

## ANNOTATIONS

**Transfer for schooling**

Under this section, a parent who sends minor children into a district to reside with an aunt, only for the purpose of sending the children to the district school, is liable to action. *School District No. 1 v. Bragdon* (1851) 23 N.H. 507.

**Cited**

Cited in *School District No. 2 in Brentwood v. Pollard* (1875) 55 N.H. 503.

## LIBRARY REFERENCES

**CJS**

Schools and School Districts § 449.

**193:13 Suspension and Expulsion of Pupils.**

I. (a) The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.

(b) The school board or a representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for ne-

glect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

VII. For purposes of paragraphs I, II, and III, school board may be either the school board or a subcommittee of the board duly authorized by the school board.

## HISTORY

**Source.** RS 73:4, CS 77:4, GS 83:3, GL 91:3, PS 93:3, 1921, 85, III:10, PL 118:12, RL 137:12, RSA 193:13, 1969, 356:5, 1971, 371:6, 1994, 355:2, eff. June 8, 1994, 1995, 231:1, eff. Aug. 15, 1995, 1996, 168:1, 2, eff. July 1, 1997, 1999, 44:2, eff. Jan. 1, 2000.

**References in text.** The Gun-Free Schools Act of 1994, referred to in pars. V & VI, is classified to 20 U.S.C. § 8921 et seq.

**Amendments—1999.** Paragraph II: Deleted "or" preceding "rifle" and inserted "or paint ball gun" thereafter in the first sentence.

—1996. Paragraph I: Rewritten to the extent that a detailed comparison would be impracticable.

Paragraph II: Added the third sentence.

Paragraph III: Deleted the second sentence.

Paragraph VII: Added.

—1995. Rewritten to the extent that a detailed comparison would be impracticable.

—1994. Rewritten to the extent that a detailed comparison would be impracticable.

—1971. Inserted "or his representative as designated in writing" following "superintendent" in the first sentence.

—1969. Rewritten to the extent that a detailed comparison would be impracticable.

## CROSS REFERENCES

Felonious use of firearms, see RSA 650-A.



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

July 1, 2004

Dr. Michael Ludwell, Superintendent  
City of Manchester  
School District  
196 Bridge Street  
Manchester, NH 03104

Re: Conduct Board/Request for Information

Dear Dr. Ludwell:


On June 29, 2004 the Conduct Board met and considered a communication regarding Arthur Beaudry submitted in reference to action taken by the School Board.

The Conduct Board is requesting the school administration narrowly define their allegations and submit specifics of what the actual interference was that violated the City's Charter. Additionally, the Board has requested a copy of the rules of the Board of School Committee and any applicable policies of the School District relating to the role of the School Board and the role of the Administration. It is also requested that the School District provide a list of witnesses to the Conduct Board. I am requesting that this information be forwarded to the Conduct Board in care of the Office of the City Clerk.

When the information is received, this office will facilitate scheduling a meeting of the Conduct Board at which the School District is requested to have representation in attendance.

Your attention to this matter would be most appreciated.

Sincerely,

  
Carol A. Johnson  
Deputy City Clerk

C: Members, Board of School Committee  
Members, Conduct Board  
Attorney James Connor



# Manchester School District

School Administrative Unit No. 37  
196 Bridge Street, Manchester, NH 03104-4985  
Tel: 603-624-6300 • Fax: 603-624-6337

**Michael Ludwell, Ph.D.**  
*Superintendent of Schools*

**Frank G. Bass, Ph.D.**  
*Assistant Superintendent  
Secondary Education*

**William E. Sanders**  
*Business Administrator*

**Henry J. Aliberti Jr., Ed.D.**  
*Assistant Superintendent  
Elementary Education*

August 24, 2004

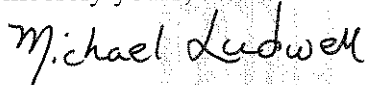
Conduct Board of the City of Manchester  
c/o Ms. Carol Johnson  
Deputy City Clerk  
One City Hall Plaza  
Manchester, NH 03101

Dear Conduct Board:

Pursuant to your request that we clarify the legal underpinnings regarding the allegations pertaining to Manchester Ward 9 BOSC member, Arthur Beaudry, we are enclosing a copy of New Hampshire R.S.A. #49—C: 19.

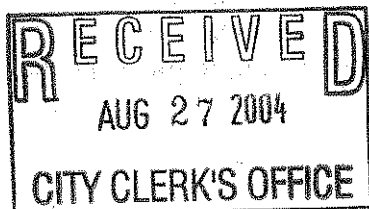
Again, if you should seek further information in this matter, please do not hesitate to contact my office.

Sincerely yours,



Michael Ludwell, Ph.D.  
Superintendent of Schools

Cc: Robert A. Baines, Mayor & BOSC Chair  
Attorney Dean Eggert, Wadleigh, Starr & Peters



**R.S.A. #49—C: 19**

**Non-Interference by the Elected Body.** The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member violating the provisions of this section, as determined through procedures established in the charter, shall forfeit his office.